United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25376–25425

[Approved by the Acting Secretary of Agriculture, Washington, D. C., August 12, 1936]

25376. Misbranding of Essence of Mistol. U. S. v. 66 Bottles of Essence of Mistol. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 29868. Sample no. 26612–A.)

The alcoholic content of this article was not declared.

On February 28, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 bottles of Essence of Mistol at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 28, 1932, by Stanco Distributors, Inc., from Newark, N. J., to Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Essence of Mistol."

Analysis showed that the article consisted essentially of volatile oils including menthol, eucalyptol, and camphor, isopropyl alcohol, and water.

The article was alleged to be misbranded in that the label on the carton failed to bear a statement of the quantity or proportion of the isopropyl alcohol contained in the preparation.

On February 26, 1936, a consent decree of condemnation, forfeiture, and destruction was entered.

M. L. WILSON, *Acting Secretary of Agriculture.*

25377. Adulteration and misbranding of Liquid Medicine in Bulk. U. S. v. Harry Gross and Austin E. Dolan, trading as Dolan Drug & Chemical Co. Plea of guilty by Harry Gross. Plea of nolo contendere by Austin E. Dolan. Gross fined $2, and Dolan fined $20. (F. & D. no. 28172. I. S. no. 037450.)

The label of this article erroneously represented that it was of pharmacopoeial standard. It also fell below the professed standard under which it was sold, was an imitation of another article, and its label failed to bear a statement of its alcoholic content.

On February 14, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court, an information against Harry Gross and Austin E. Dolan, trading as the Dolan Drug & Chemical Co., Boston, Mass., alleging shipment by them, in violation of the Food and Drugs Act, on or about February 15, 1930, from Boston, Mass., to Wichita, Kans., of a quantity of a drug described as Liquid Medicine In Bulk, which was adulterated and misbranded. The article was labeled in part: (Barrels) "Liquid Medicine in Bulk. ICC–10."

Analysis of the article showed it to be a mixture of substances including phenols, rosin, and alcohol (78.82 percent).

The article was alleged to be adulterated (a) in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity determined by the test laid down in said pharmacopoeia in that it contained phenols and rosin, and the strength, quality, and purity of said article was not declared on the container thereof; and (b) in that its strength and purity fell below the professed standard and quality under which it was sold, in that said article was represented to be fluidextract of ginger, U. S. P., but was not, and was a product composed in part of phenols and rosin.

The article was alleged to be misbranded (a) in that it was composed in part of phenols and rosin prepared in imitation of fluidextract of ginger, U. S. P., and was offered for sale under the name of another article, to wit, fluidextract of ginger, U. S. P.; and (b) in that the article contained alcohol and the label failed to bear a statement of the quantity or proportion thereof in the article.

On August 19, 1935, Dolan, who had entered a plea of nolo contendere, was fined $20. On October 1, 1935, Gross, who had entered a plea of guilty, was fined $2.

M. L. WILSON, *Acting Secretary of Agriculture.*

25378. Misbranding of Feminex Tablets. U. S. v. Drug Store Products, Inc., and James Dawson Spurrier. Pleas of nolo contendere. Fines totaling $20 and costs. (F. & D. no. 32098. Sample no. 23412–A.)

Unwarranted curative and therapeutic claims were made for this article and its label bore erroneous statements.

On March 27, 1935, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Drug Store Products, Inc., Cleveland, Ohio, and James Dawson Spurrier, its president and treasurer, alleging shipment by them, in violation of the Food and Drugs Act as amended, on or about April 29, 1933, from Cleveland, Ohio, to San Francisco, Calif., of quantities of Feminex Tablets which were misbranded. The article was labeled in part: (Carton and bottle) "Feminex Tablets For Pain * * * Drug Store Products, Inc. Toledo, Ohio"; (box) "Feminex Is Recommended For * * * Periodic Pain * * * Backache"; (circular) Relieves Pain * * *."

Analysis showed that the article consisted of tablets containing, in each: Acetphenetidin (a derivative of acetanilid, 2.4 grains), acetylsalicylic acid (2.3 grains), caffeine, phenolphthalein, and starch.

The article was alleged to be misbranded (a) in that the label of the bottle and the carton bore false and fraudulent statements that the article was effective, among other things, as a remedy for pain and as a treatment for backache and periodic pain without bad after effects on the heart or stomach in women and girls; effective as a treatment for neuritis in women and girls; effective as a treatment for pains that discomfort women, such as backache and periodic pain; and (b) in that the following statements on the carton and the bottle label were false and misleading, to wit, (carton) "Acts * * * with no bad after effects" and "Safe", (bottle label) "Acts * * * with no bad after effects" and "Feminex Tablets give * * * safe relief", in that the article could not be taken safely with no bad after effects; (c) in that the article contained acetphenetidin (a derivative of acetanilid) and the package failed to bear upon its label a statement of the quantity or proportion of acetphenetidin contained in the article and a plain and conspicuous statement that acetphenetidin was a derivative of acetanilid; (d) in that a circular enclosed in the package contained false and fraudulent statements that the article was effective, among other things, as a treatment, remedy, and cure for periodic pain in women; and effective as a treatment, remedy, and cure for backache, toothache, rheumatism, neuritis, and the after effect of pain, and constipation following pain; effective as a treatment for intestinal stasis (a form of constipation) in women and girls; effective to relieve without fail any expected headache, backache, or periodic pain in women; and effective always to relieve pain and all pains; and effective in many instances to relieve pain in and around the teeth; (e) in that the following statements contained in the circular aforesaid were false and fraudulent, to wit, "Safe, reliable", "It acts * * * safely and without bad after effects whatsoever", in that said article could not be taken safely without any bad after effects whatsoever.

On March 21, 1936, a plea of nolo contendere having been entered, a fine of $20 was imposed and costs were awarded against the defendants.

M. L. WILSON, *Acting Secretary of Agriculture.*

25379. Adulteration and misbranding of quinine capsules. U. S. v. 11 Bottles of 5-Grain Quinine Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32699. Sample no. 68546–A.)

The label of this article bore erroneous statements concerning an essential ingredient.

On May 14, 1934, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district